

APPEAL NO. 040784  
FILED JUNE 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 9, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury in the form of bilateral carpal tunnel syndrome (BCTS) with a date of injury of \_\_\_\_\_, and that she had disability from November 10, 2003, through the date of the hearing. The appellant (self-insured) appeals these determinations and asserts that the hearing officer erred in refusing to add two additional disputed issues and in excluding Self-Insured's Exhibit No. 7. The appeal file contains no response from the claimant

DECISION

Affirmed.

The evidence reflects that four days prior to the hearing, the self-insured made a request to add two additional disputed issues: what is the date of injury; and whether the claimant gave timely notice of the injury. This request was received by the Texas Workers' Compensation Commission one day prior to the hearing. The self-insured explained that the request was made based upon the medical records contained in Self-Insured's Exhibit No. 7, which were exchanged with the claimant four days prior to the hearing. The hearing officer noted that the self-insured was in possession of a medical authorization, which would have allowed the self-insured to obtain the medical records contained in Exhibit No. 7, since November 2003. The hearing officer excluded the exhibit on the basis that it was not timely exchanged and because the self-insured had not demonstrated good cause for its failure to do so. Additionally, the hearing officer determined that the self-insured's request to add the two issues was not based upon newly discovered evidence that could not reasonably have been discovered earlier and, therefore, denied the request to add the issues. Given the facts in this case, we perceive no abuse of discretion in the complained-of rulings.

The disputed issues in this case involved factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Expert medical evidence is not necessary to establish a causal connection between a claimant's work and BCTS. Texas Workers' Compensation Commission Appeal No. 92083, decided April 16, 1992 (citing Houston Independent School District v. Harrison, 774 S.W.2d 298 (Tex. App.-Houston [1st Dist.] 1987, no writ)); see *also*, Texas Workers' Compensation

Commission Appeal No. 951917, decided December 28, 1995. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Contrary to the self-insured's argument on appeal, the hearing officer's recitation of the facts in the Statement of the Evidence portion of the decision is supported by the record.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is:

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
THE STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge